

REMARKS

In the subject Office Action, claims 45-47 were rejected under 35 U.S.C. 102(b) as being anticipated by Keeler et al.

In addition, claims 48 and 53-54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Keeler et al.

Furthermore, in paragraph 5 of the subject Office Action, claims 1-44, and 60-65 were allowed. In paragraph 6 of the subject Office Action, claims 49-52 and 55-60 were objected to as being dependent upon a rejected base claim, but it was stated that they would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicants submit that the allowance and objection to claim 60 produce an inconsistency. Claim 60 is an independent claim. Applicants submit that claim 60 is allowable. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to claim 60.

Claims 45-47 were rejected under 35 U.S.C. 102(b) as being anticipated by Keeler et al. Applicants respectfully disagree. It is stated in the subject Office Action that Keeler et al. disclose a plate for a fabricated vehicle axle comprising a first head portion having a first king bore extending through it, a second head portion having a second king pin bore extending through it and a body portion positioned between the first head portion and the second head portion. However, the plate taught by Keeler et al. that is relied upon as being a "bottom" plate is identified by Keeler et al. as a top plate for their fabricated vehicle axle. Claim 45 clearly is directed to a bottom plate for a fabricated vehicle axle. Keeler et al. clearly disclose that their top plate is positioned above or located over the main body of the frame axle. To the contrary,

the instant application discloses that the bottom plate is located under or beneath the main body of the frame axle.

It is stated in the Office Action that applicants have not claimed any structural components that would limit the use of the plate to the bottom. Applicants submit, however, that the clear language of the claim itself indicates that the claimed plate is a "bottom" plate. Any inconsistent interpretation of the claim would read the term "bottom" right out of the claim. Applicants do not see a need to add additional structural limitations to so limit the claim when the claim language itself recites a bottom plate and the instant application discloses such a location. The axle disclosed by Keeler et al. is not symmetrical to the point of being able to be rotated about a horizontal axis in order to convert its top plate into a bottom plate, nor are the top and bottom plates of Keeler et al. interchangeable. Similarly, the fabricated axle of the present invention is not symmetrical about a horizontal axis to the point of being able to substitute a bottom plate for a top plate.

For at least these reasons, Applicants respectfully submit that the rejection of claim 45 was improper, and request reconsideration and withdrawal of that rejection. Claims 46 and 47 are dependent upon claim 45. Accordingly, Applicants also respectfully request reconsideration and withdrawal of the rejection of those claims.

Claims 48 and 53-54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Keeler et al. However, as discussed above, Keeler et al. do not disclose a bottom plate with the features of base claim 45. Therefore, the rejection of claims 48 and 53-54 should not stand, since those claims are dependent on base claim 45. In addition, Applicants submit that those claims are patentably distinct from claim 45. For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 48 and 53-54.

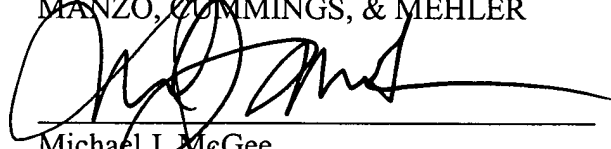
Claims 49-52 and 55-59 were objected to as being dependent upon a rejected base claim, but it was stated that they would be allowable if rewritten in independent form. Applicants have rewritten claims 49, 51, 55, 56, 58 and 59 in independent form including all the limitations of the base claim and any intervening claims. Those claims should now be allowable. Claims 50, 52, and 57 are all dependent claims based on one or more of those claims. As such, claims 50, 52, and 57 should also be allowable. Therefore, applicants respectfully request reconsideration and withdrawal of the objection to all of claims 49-52 and 55-59.

With this reply, applicants have also added claims 66-92. Independent claims 66 and 77 define structures not disclosed in any of the prior art of record and should therefore be allowable.

In view of the foregoing, applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. 102(b) and 103(a). Additionally, applicants respectfully request a notice of allowance of the claims of the present application. Early and favorable action is hereby solicited and appreciated.

Respectfully Submitted,

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MANZO, COMMINGS, & MEHLER

A handwritten signature in black ink, appearing to read 'Michael J. McGee', is written over a horizontal line.

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VERSION WITH MARKINGS

49. (Amended) [The bottom plate as defined by claim 48 further including] A bottom plate for a fabricated vehicle axle, comprising:

a first head portion having a first king pin bore extending through it;

a second head portion having a second king pin bore extending through it;

a body portion positioned between said first head portion and said second head portion;

a first transition zone portion adjacent to said first head portion and extending therefrom at a first bend to a second bend at said body portion, said body portion extending from said second bend to a third bend, a second transition zone portion adjacent to said body portion and extending therefrom at said third bend, said second transition zone portion also being adjacent to said second head portion and extending therefrom at a fourth bend; and

a first angle formed by said second bend and a second angle formed by said third bend, said first and second angles being within a range of forty degrees to fifty degrees[.];

said bottom plate having a constant thickness within a range of twelve to sixteen millimeters.

51. (Amended) [The bottom plate as defined by claim 46 wherein] A bottom plate for a fabricated vehicle axle, comprising:

a first head portion having a first king pin bore extending through it;

a second head portion having a second king pin bore extending through it;

a body portion positioned between said first head portion and said second head portion; and

a first transition zone portion adjacent to said first head portion and extending therefrom at a first bend to a second bend at said body portion, said body portion extending from said second bend to a third bend, a second transition zone portion adjacent to said body portion and extending therefrom at said third bend, said second transition zone portion also being adjacent to said second head portion and extending therefrom at a fourth bend, said first transition zone portion [includes] including a tie rod clearance region.

55. (Amended) [The bottom plate as defined by claim 45 wherein said first head portion includes] A bottom plate for a fabricated vehicle axle, comprising:

a first head portion having a first king pin bore extending through it and a steering stop integrally formed therewith[.];

a second head portion having a second king pin bore extending through it; and

a body portion positioned between said first head portion and said second head portion.

56. (Amended) [The bottom plate as defined by claim 45 wherein said first head portion includes] A bottom plate for a fabricated vehicle axle, comprising:

a first head portion having a first king pin bore extending through it and a machining datum[.];

a second head portion having a second king pin bore extending through it; and

a body portion positioned between said first head portion and said second head portion.

58. (Amended) [The bottom plate as defined by claim 45 wherein said first king pin bore extends through said first head portion] A bottom plate for a fabricated vehicle axle, comprising:

a first head portion having a first king pin bore extending through it at a position offset to a rear of said bottom plate[.];

a second head portion having a second king pin bore extending through it; and

a body portion positioned between said first head portion and said second head portion.

59. (Amended) [The bottom plate as defined by claim 45 wherein] A bottom plate for a fabricated vehicle axle, comprising:

a first head portion having a first king pin bore extending through it, said first king pin bore [is] being positioned to provide additional tie rod clearance[.];

a second head portion having a second king pin bore extending through it; and

a body portion positioned between said first head portion and said second head portion.